

Rittmaster, Ted R.

From: Susie_Oh@spe.sony.com
Sent: Tuesday, September 25, 2001 4:39 PM
To: blakamp@sonypictures.com
Cc: trittmaster@foleylaw.com; Cberg@sonypictures.com; Jennifer_Kuo@spe.sony.com
Subject: RE: Moviefly Patent Applications

Hey Brian --

I just want to follow up with you on the Moviefly patent applications in case there may be some confusion regarding the difference between a patent declaration and the Viant/SPDE agreement. That is, please be aware that the patent documents are independent of your employment at Viant. The formal patent papers are also independent of any deal between SPDE and Viant. Patents are invented by the individual, not the employer of the individual. Thus, as you will read from Ted Rittmaster's e-mail below, the patent documents do not depend on who your employer was or is. By not signing, there is no effect on Viant, or SPDE for that matter, except that we have to go through the extra routine and cost of preparing additional documents. Thus, clearly we would rather just have you sign the docs to indicate that you are an inventor, as opposed to filing additional documents with the PTO regarding your lack of signature.

In any event, please let me know as soon as possible if you are still reluctant to sign the docs.

Thanks,
Susie

----- Forwarded by Susie Oh/LA/SPE on 09/25/2001 04:29 PM -----

"Rittmaster, Ted R." <TRittmaster@foleylaw.com> on 09/24/2001 10:21:55 AM

To: Susie Oh/LA/SPE@SPE
cc:
Subject: RE: Moviefly Patent Applications

Hi Susie,

For each application in which Brian is an inventor, we sent two forms to him for signature (an Inventor's Declaration and an Assignment), along with a copy of the application as filed.

The Inventor's Declaration is a document required by the USPTO of all inventors for all patent applications. The Declaration is the inventor's statement to the USPTO that (1) the inventor believes himself/herself to be an inventor of the subject matter claimed in the application; (2) the inventor acknowledges the duty to disclose prior art; and (3) the inventor's identification information (name, address and citizenship) is correct. The USPTO requires that each inventor (not the inventor's employer) make those representations and verifications to the USPTO.

The Assignment document will be used to record (at the USPTO assignment recordation office) the assignment of the invention to Sony (and to Moviefly, by virtue of the agreement between Sony and Moviefly). Brian's signature on the Assignment document would simplify and expedite the recordation process.

In response to Brian's comment that "accommodations for [his] signature should be handled through the agreements with Viant," please inform Brian of the following: The above-noted Inventor's Declaration is a USPTO requirement imposed on each inventor (and, can not be accommodated through other agreements). The above-noted Assignment document is an expedient

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Brian's signature would simplify our process, even if this may be handled through another agreement with Viant.

Please let me know if you would like me to contact Brian directly, to expand on the above explanation.

Best regards,

Ted Rittmaster
Foley & Lardner
(310) 975-7963